

REMARKS

Claims 3-13 and 17-25 are currently pending in this application.

CLAIM REJECTIONS UNDER 35 USC § 103(a)

Claims 3, 4, 6-13, 17, 18 and 20-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser et al., U.S. Patent No. 6,385,596 ("*Wiser*"), in view of Zintel et al., U.S. Patent No. 6,725,281 ("*Zintel*"). *Office Action*, 2.

Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Examiner has misread either the current claims or the prior art with respect to some elements. Claims 7 and 8 recite, inter alia:

a first computing device coupled to a network, the first computing device comprising a first receiver module . . . ;
a second computing device coupled to the network, the second computing device comprising a browser module . . .

Thus, claims 7 and 8 indicate that the receiver module and browser module are on *separate computing devices*. (The content server module is on a third, and again separate, computing device.)

The Examiner states that *Wiser* "teaches a separate receiver, browser, and content server module . . ." *Office Action*, 3. However, the cited portions of *Wiser* do not show the receiver module being located on a separate computing device from the browser module.

With respect to the first and second computing devices, in each case the Examiner first cites Figure 1A of *Wiser*, indicating that elements 116 and 128 correspond to the receiver module in the first computing device and the browser module in the second computing device, respectively. *Office Action*, 2-3.

However, in contrast to claims 7 and 8, elements 116 ("media player") and 128 ("web browser") are shown in *Wiser* as being in the same device, i.e., element 126, the "client system." See Figure 1A. This is confirmed by some of the very portions of the *Wiser* Specification cited by the Examiner. For example the Examiner cites column 5, line 43 – column 6, line 27 of *Wiser* with respect to the first computing device. *Office Action*, 3. However, this portion includes:

Client systems 126 include a media player 116 and a Web browser 128. . . .

The client systems 126 have two basic components, a media player 116 and a Web browser 128. The Web browser 128 may be conventional, with the addition of an interface to the media player 116 for passing information to the media player 116.

Col. 5:59 – 6:3.

Similarly, the portion of *Wiser* cited by the Examiner with respect to the claimed second computing device, column 14, line 40 – column 15, line 32, *Office Action*, 4, concludes:

The HTTP server 122 generates and returns 712 *to the Web browser* 128 an HTTP response embedding the media voucher data. A MIME type is defined that *causes the Web browser 128 to invoke the media player 116* with the response data.

The Web browser 128 receives the HTTP response and stores 714 the data of the media voucher 300 *in a local file*. The Web browser 128 *then passes 716 the file name of this file to the media player 116*.

Col. 15:29 – 32. *Wiser's* mutual use of local files also indicates that the browser and media player are part of the same client.

Other parts of *Wiser* similarly indicate that the web browser and media player are part of the same system. For example, *Wiser* requires that a user get a "passport" and "registration key" to purchase and preview music:

The Web browser 128 passes 620 the passport 400 to the media player 116.

....

On losing the registration key 420 or the passphrase that encrypts it, the registration key 420 can be sent again from the media licensing center 110 *to the media player 116 via the Web browser's SSL connection*

Col. 13:62 – 63; 14:28 – 31. The media player's access to the browser's SSL connection in *Wiser* again indicates that they are part of a single device.

Wiser's later discussion of the media player contains similar language indicating that the browser is located on the same computing device:

Passport Management Module 1302: This module is responsible for managing the user's passport. This module operates during registration of the media player 116, and during playback of audio data. During registration, *the Web browser 128 receives* via an SSL connection from the passport generation module 1210 of media licensing center 110 *a registration file* that contains the data to be used in a user's passport, *and stores it locally in the client computer 126*. . . . *The Web browser 128 invokes the media player 116 and provides it with the file name and path of this registration file. The passport management module 1302 imports from this registration file the passport data*

....

Purchase Module 1304: This module is responsible for managing the purchase of media data files. *This module interfaces with the Web browser 128 to receive therefrom a media voucher 300 identifying the media to be purchased*

Col. 26:11 – 43. This further use of mutual access to a local file, and the interfacing of a module of the media player directly with the browser again indicates that the browser and the media player reside on a single client in *Wiser*.

Again, in contrast claims 7 and 8 provide for locating the browser and media player in separate devices, "instructing the content server module to obtain [identified audio data] and stream the audio data to the first receiver

module,” and having the content server module stream the data to the receiver without further involvement of the browser. It is readily apparent that this is thus not the same as *Wiser*’s locating the browser and the first receiver in the same device and requiring various communications to go through the browser as indicated by the portions of *Wiser* cited above, and that the present claims thus provide advantages regarding the flexible arrangement of receivers as well as improved speed, since data is sent directly to the receivers rather than through the browser.

The Examiner concedes that *Wiser* does not show certain elements of claim 7, *Office Action*, 3-4 (and thus also 8), but appears to think that these elements only relate to the “announcements” of devices on the network. Accordingly, the Examiner next cites *Zintel* as “teach[ing] a method of discovery and control among various devices using Universal Plug and Play (UPnP) protocols . . . [including] discovery of modules, servers and other devices through announcements,” *Office Action*, 4. While *Zintel* does teach some such methods, it still does not fill in the above-mentioned elements of the present claims.

Specifically, *Zintel* also does not teach the limitations in claim 7 that the browser module is “configured to send a command to the content server instructing the content server module to obtain [identified audio data] and stream the audio data to the first receiver module” and the content server module is “configured to receive the command from the browser module, and in response thereto, obtain the audio data, and stream the audio data to the first receiver module.” (There is similar language about the second receiver.)

There is nothing in either *Wiser* or *Zintel* that teaches or suggests that a second device (i.e., browser or user interface) can instruct a third device (content server) to send data directly to a first device (receiver), without further involvement of the second device. As above, *Wiser* does not teach this, since not

only are the browser and media player in the same device, but the browser remains intimately involved in the receipt of data by the media player. *Zintel* does not cure this deficiency.

Zintel essentially divides the devices that use its protocols into two types, "User Control Points" and "Controlled Devices." ("Bridges" are used to make "Bridged and Legacy Devices," i.e., older devices, compatible with this scheme, so that these still fall within the two stated types.) Further, *Zintel* makes it clear that Controlled Devices interact only with User Control Points:

User Control Point. The set of modules that enable communication with a UPnP Controlled Device. User Control Points initiate discovery and communication with Controlled Devices, and receive Events from Controlled Devices. User Control Points are typically implemented on devices that have a user interface this [sic] user interface is used to interact with Controlled Devices over the network. . . .

Controlled Device. The set of modules that enable communication with a User Control Point. Controlled Devices respond to discovery requests, *accept incoming communications from User Control Points and may send Events to User Control Points*. . . . Examples of devices that could be Controlled Devices are the VCR, DVD player or recorder, . . . audio/video/imaging playback device . . .

Col. 6:26 – 61.

Zintel thus includes both content sources and receivers as Controlled Devices, while user interfaces (which may, for example, be browsers) are User Control Points. *Zintel* indicates that Controlled Devices communicate with User Control Points as described in the cited portion above, but there is no indication in *Zintel* that Controlled Devices can communicate directly with each other.

Thus, in *Zintel* a second device (User Control Point) may request data from a third device (Controlled Device), and the third device (Controlled Device) may send the requested data to the second device (User Control Point) in

response to the request. The second device (User Control Point) may also send data to a first device (another Controlled Device). However, the first and third device (Controlled Devices) can only communicate with the second device (User Control Point) and not directly with each other.

It can be readily seen that *Zintel* accordingly still does not provide for a second device to command a third device to send data directly to a first device, as in claim 7. To the contrary, in *Zintel* a third device (content source) does *not* send data directly to a first device (receiver) as in claim 7, but only to the second device (User Control Point or user interface).

Applicant finds nothing in the portions of *Zintel* cited by the Examiner (or anywhere else in *Zintel* for that matter) that teaches or suggests that one Controlled Device (third device), can directly send data to another Controlled Device (first device), much less at the initial command of the second device as recited in claim 7. In fact, by not allowing the third device to send data directly to the first device (Controlled Devices), *Zintel* teaches away from claim 7.

Thus, adding the announcement capability of *Zintel* to the system of *Wiser* still does not arrive at the system of claim 7, since the browser and media player are still located in one device, contrary to claim 7. Further, *Zintel* does not supply the element of a third device (content server) sending data directly to a first device (receiver) in response to a command from a second device (browser or user interface).

There is nothing in either reference, or in the combination, that teaches or suggests the capability of the third device sending data directly to the first device in response to a command from the second device with no further involvement of the second device.

For at least these reasons, neither *Wiser* nor *Zintel*, nor their combination, teach or suggest the limitations of claims 7 and 8, and the claims are thus not

obvious over those references. The other references cited by the Examiner but not relied upon similarly fail to show these elements. As the Examiner has failed to make out a prima facie case of obviousness, Applicant respectfully requests that the Examiner allow the claims.

Claims 5 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wiser* and *Zintel* as applied to claim 3, and further in view of Cohen, William W. and Wei Fan, "Web-collaborative filtering: recommending music by crawling the Web," Elsevier Science B.V., May 23, 2000, pp. 1-14 ("*Cohen*"). *Office Action*, 7.

Claims 13 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wiser* and *Zintel* as applied to claim 12, and further in view of well-known prior art.

Since these claims are all indirectly dependent upon claims 7 or 8, they are allowable for at least the same reasons.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request that the Examiner issue a Notice of Allowance. Should the Examiner have questions, Applicants' undersigned representative may be reached at the number provided below.

Respectfully submitted,
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